



**Discretionary Purchase  
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**Section 1 - General Information:**

**1.1 Introduction to DASNY**

The Dormitory Authority State of New York (DASNY) is a public benefit corporation of the State of New York empowered by Titles 4 and 4-B of the Public Authorities Law (the “Act”), to provide design and project management services to, and to issue its bonds, notes and other obligations, for a wide variety of public purposes. Under the Act, DASNY provides a multitude of services in various forms in connection with the design, construction and financing of capital facilities for State University of New York, including dormitories and educational facilities; City University of New York Senior Colleges; Community Colleges; Boards of Cooperative Educational Services; Cities and Counties with respect to Court Facilities and combined occupancy structures, as defined by law; the Department of Education of the State of New York with respect to certain facilities under its jurisdiction; other State and local governmental entities; independent colleges and universities; facilities for the aged; certain not-for-profit hospitals and nursing homes, as well as a wide variety of other not-for-profit organizations specifically described in the Act.

**1.2 Purpose**

DASNY seeks proposals for development and/or delivery of safety training to DASNY employees. It is DASNY’s intent to contract with more than one firm. Services will be requested and conducted on an as needed basis, and the type and value of each training will vary. Depending on the nature of the work assignment, some portions of the firm’s services may be modified to more accurately reflect the level of training required.

In accordance with the Public Authorities Law, Section 2879 and the New York State Executive Law, Article 15-A, this opportunity is intended solely for (a) the purchase of goods or services from Small Businesses or certified Minority or Women-Owned Business Enterprises (MWBES), and (b) goods or technology that are recycled or remanufactured. Small Businesses are defined as a business that is resident in this State, independently owned and operated, not dominant in its field, and employs not more than one hundred people.

**1.3 Key Events and Dates**

<u>Event</u>	<u>Date</u>
Issuance of Discretionary Purchase	10/31/18
Deadline for Discretionary Purchase Questions	11/09/18 (5:00 PM)
Post Responses to Discretionary Purchase Questions	11/15/18
Proposal Due Date	11/29/18 (5:00 PM)
Interviews/Presentations (not earlier than)	12/03/18
Notice of Award (not earlier than)	12/07/18

## **Section 2 - Engagement Requirements:**

### **2.1 Scope of Services**

DASNY will select a variety of experienced and qualified firms who are able to deliver one or more of the safety courses listed in the Safety Training Services Checklist included in this Discretionary Purchase as an attachment. Occupational Safety and Health Administration (OSHA) and Scaffold courses will require OSHA certification cards be issued to each employee who participates in the 10-Hour or 30-Hour OSHA courses or any of the Scaffold courses.

Delivery of courses will be in DASNY's New York City and/or Albany office, or at a location provided by the vendor, and approved by DASNY, and other locations in New York State as needed.

### **2.2 Qualifications**

The qualifications expected of the firms responding to this Discretionary Purchase and the evaluation of these qualifications will be based on the following:

- Staff qualifications – Trainers must be certified by OSHA to deliver OSHA regulated courses.
- NYC Department of Buildings – Firms that provide/deliver Scaffold courses must be on the approved NYC Department of Buildings list.
- Certified by New York State Department of Economic Development as an MBE/WBE/MWBE or Small Business.
- Firm is registered to do business in New York with the New York State Department of State.

### **2.3 Certification Requirements**

- OSHA Certification
- New York City Department of Buildings (NYC DOB) Certification

## **Section 3: Content of Technical Proposal**

### **3.1 Information to be Provided by Proposers**

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your technical proposal must contain sufficient information to assure DASNY of its accuracy.

Tab 1. Include a **cover letter** with the following items:

- a. The name, title, telephone number, fax number and email address of the individual within your firm who will be DASNY's primary contact concerning this Discretionary Purchase.
- b. The primary contacts name, title, telephone number, fax number and email address for each sub-consultant who will perform work under this contract.
- c. The identities of the primary staff proposed to provide services relating to this Discretionary Purchase.
- d. A statement to the effect that your firm is willing to perform the services related to the training that your firm is stating that you provide as identified in Section 2.1 above and will abide by the terms of the Discretionary Purchase, including all attachments.
- e. A statement that your firm understands selection does not guarantee that any services will be requested from your firm.
- f. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a technical proposal that contains an unsigned cover letter. If the proposer is a joint venture, the proposal shall be signed by the joint venture. Anyone signing the proposal as an agent shall file with it, legal evidence of his or her authority to execute such proposal.

Tab 2. Provide a description of your firm's organization, team makeup including sub-consultants (if applicable) and the resumes of partners, principals, associates and other key staff proposed to provide services to DASNY, with particular emphasis on classroom safety group training courses the firm has provided for other state or governmental agencies.

Tab 3. Provide a description of your firm's experience providing similar services including recent relevant project experience. Include the names, titles and phone numbers of at least three (3) references excluding DASNY employees and a summary of the services provided.

Tab 4. Provide proof of certification in the following areas (where applicable):

- a. Document(s) validating each OSHA-certified course.
- b. Certifications held by the company from a professional association or organization.
- c. List of certified trainers noting their specific certification and the certifying organization.
- d. NYC DOB certification

Tab 5. Indicate the course(s) the firm is qualified to conduct in the Safety Training Services Checklist, included in this Discretionary Purchase as an attachment.

Tab 6. Provide a detailed description of your firm's approach to providing the requested scope of services.

Tab 7. Provide a complete description of all safety courses the firm offers to its clients. The descriptions should include a description of the course, duration of the course, number of course credits, type of credits (i.e. CEU, CLE, PDH, college, etc.), type of participant materials provided, minimum and maximum number of participants per class, delivery methods for course (i.e. instructor-led, online, webcast, etc.), list of trainers qualified to deliver course, and course delivery locations (on-site and/or off-site).

- Tab 8. Identify, in writing, all questions, comments, requests, exceptions, or objections if any, that the firm may have to the sample Contract, included as an attachment to this Discretionary Purchase. The questions, comments, requests, exceptions, or objections identified by the firm does not indicate an acceptance by DASNY.
- Tab 9. Provide a sample Safety Training manual for one of the relevant projects listed in Section 3 Tab 3.
- Tab 10. Provide a completed W-9 Form, included in this Discretionary Purchase as an attachment. If the proposer is a joint venture, provide a W-9 in the name of the joint venture and provide a copy of the executed joint venture agreement.
- Tab 11. Additional Information - The proposer must also provide statements regarding the following:
- a. The proposer must agree to provide DASNY with pre- and post-audit access to documents, personnel and other information necessary to conduct audits on request during the term of the Contract and for six years thereafter.
  - b. The proposal submitted must contain a representation that the proposer is willing and ready to provide any services requested or required in a timely manner.
  - c. Provide a description of how your firm will monitor the allotment and performance of work in order to achieve an efficient administration of the project.
  - d. Disclose any potential conflicts of interest (refer to the “Code of Business Ethics - Certification” attached).

## **Section 4 - Content of Cost Proposal:**

### **4.1 Information to be Provided by Proposers**

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered tabs below. Your cost proposal must contain sufficient information to assure DASNY of its accuracy.

- Tab 1. Include a **cover letter** with the following items:
- a. The name, title, telephone number, fax number and email address of the individual within your firm who will be DASNY’s primary contact concerning this Discretionary Purchase.
  - b. A statement to the effect that the price quoted is an irrevocable offer good for 120 days.
  - c. The cover letter must be signed by the individual(s) authorized to bind your firm contractually. Indicate the title or position that the signer holds within your firm. DASNY reserves the right to reject a cost proposal that contains an unsigned cover letter.
- Tab 2. Provide fee structure for the delivery of courses at DASNY offices, firm’s facility (if applicable), or online courses. You must include a list of your firm’s New York State locations

where classes could be held. Include any additional costs associated with conducting training sessions (e.g. travel, printing, training materials, etc.)

- Tab 3. Provide fee structure for DASNY employees to attend public classes that your firm provides (if applicable).
- Tab 4. Provide other supporting information detailing unit or hourly rates for other services performed (where applicable). Note individual billing rates for staff titles within the firm.
- Tab 5. Provide a statement indicating your firm is able to obtain the required insurances as listed in the attached Sample Insurance Certificate & Requirements.

**Provide the following forms loosely. Do not include these forms in your technical or cost proposal.**

A NYS Vendor Responsibility Questionnaire included in this Discretionary Purchase as an attachment. **DASNY recommends that all firms file the required Questionnaire online via the New York State VendRep System and only provide a copy of the certification page to DASNY.** To enroll in and use the New York State VendRep System, see the VendRep System Instructions available at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

A completed Procurement Lobbying Law – Certification included in this Discretionary Purchase as an attachment.

## **Section 5 - Evaluation of Proposals:**

The selection process will begin with the review and evaluation of each of the written proposals. The purpose of this evaluation process is twofold: (1) to examine the responses for compliance with this Discretionary Purchase; (2) to identify the complying firms that have the highest probability of satisfactorily performing the scope of services. The evaluation process will be conducted in a comprehensive and impartial manner. The evaluation will be conducted as set forth herein.

### **5.1 Preliminary Review**

DASNY reserves the right to reject and return to the proposer all proposals received after the Discretionary Purchase due date and time. All proposals will be reviewed to determine if they contain all required submittals specified in Sections 3 and 4. Incomplete proposals may be rejected.

### **5.2 Evaluation**

Proposals will undergo an evaluation process conducted by a Committee selected by DASNY. The Committee will evaluate the proposals based upon the criteria for selection set forth below.

### **5.3 Criteria for Selection**

The criteria for selection shall be the qualifications required by Section 2, Section 3 and Section 4.

### **5.4 Interviews**

DASNY reserves the right to determine whether interviews will be necessary. The purpose of the interview is to further document the proposer's ability to provide the required services and to impart to the Committee an understanding of how specific services will be furnished. The proposed lead principal, as well all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this Discretionary Purchase and any other information requested by the Committee prior to the interview.

### **Section 6 - Submission of Proposals:**

#### **6.1 Submission of Technical and Cost Proposal**

Firms must submit one (1) electronic copy of the technical proposal and one (1) cost proposal (saved separately in PDF format on thumb drive media only) along with two (2) hard copies of the technical proposal and two (2) hard copies of the cost proposal. Proposals must be submitted on or before 5:00 p.m. on November 29, 2018 to:

Nicole White  
RFP Coordinator  
DASNY  
515 Broadway  
Albany, New York 12207-2964

### **Section 7 - Important Information Affecting Proposers:**

#### **7.1 Proposal Requirements**

1. All inquiries regarding this Discretionary Purchase should be addressed to the following individual:

Nicole White  
Email: [RFPCoordinator@dasny.org](mailto:RFPCoordinator@dasny.org)

All questions must be submitted in writing to the RFP Coordinator by email, citing the particular proposal section and paragraph number. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal. A list of all substantive inquiries received with relevant responses will be posted on DASNY's website, [www.dasny.org](http://www.dasny.org).

2. A proposer may withdraw a proposal anytime prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified in Section 7.1.1 above.

The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.

3. If a proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this Discretionary Purchase, the proposer should immediately notify the contact person identified in Section 7.1.1 above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this Discretionary Purchase. Such clarifications will be posted on DASNY's website, [www.dasny.org](http://www.dasny.org).
4. If a proposer fails, prior to the final due date and time for submission of proposals, to notify DASNY of a known error or an error that reasonably should have been known, the proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
5. A proposer indicates its acceptance of the provisions and conditions enumerated in this Discretionary Purchase by submitting a proposal.

## **7.2 DASNY Requirements**

1. By submitting a proposal, the proposer covenants that the proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
2. DASNY shall not be liable for any cost incurred by the proposer in proposal preparation or in activities related to the review of this Discretionary Purchase or any interview costs.
3. Other than the contact person identified in Section 7.1.1 above, or their designee(s), prospective proposers shall not approach DASNY employees during the period of this Discretionary Purchase process about any matters related to this Discretionary Purchase or any proposals submitted pursuant thereto.

## **7.3 DASNY Rights and Prerogatives**

DASNY reserves the right to exercise the following prerogatives:

1. To accept or reject any or all proposals and amend, modify or withdraw this Discretionary Purchase.
2. To correct any arithmetic errors in the proposals.
3. To change the final due date and time for proposals.
4. To accept or reject any of the firm's employees or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of DASNY of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. DASNY shall have the right to reject any proposed change to the proposer's technical proposal.



5. To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the Discretionary Purchase documents or excuse the proposer from full compliance with its requirements.
6. To consider modifications to proposals at any time before the award is made, if such action is in the best interest of DASNY.
7. To request a revised cost proposal from firms selected as finalists.
8. To accept a proposal for the engagement containing other than the lowest cost proposal.
9. To interview proposers prior to selection.
10. To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the proposer.
11. To begin negotiations with the next most responsive proposer to this Discretionary Purchase should DASNY be unsuccessful in negotiating a contract with the selected proposer within a reasonable time frame.
12. To contract with more than one firm.

#### **7.4 Contractual Requirements**

##### 1. Contract

- a. By submitting a proposal, the successful proposer agrees to reference the Discretionary Purchase as part of the resulting contract.
- b. DASNY may award a contract for any or all parts of a proposal and may negotiate contract terms and conditions to meet client program requirements consistent with the Discretionary Purchase.
- c. Award of a contract is subject to contract negotiation and approval of such contract by the appropriate DASNY authorities.

##### 2. Modification of Contract

- a. Any modification to the original contract signed between the successful proposer and DASNY will require the mutual consent of the successful proposer and DASNY.
- b. Any contract or amendments thereto will be considered effective only after approval by the appropriate DASNY authorities.

##### 3. Interpretation

The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.

4. Public Announcements

Upon selection of the successful proposer and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of DASNY.

**Section 8 - Negotiation**

After completion of the selection process, DASNY will commence finalization of the project scope and fee negotiations with the selected firm(s).

**Section 9 - Notification**

Upon completion of the selection process, DASNY will notify all firms of its decision. Notification will be sent to the primary contact only. Shortly after notification the selected firm(s) will be posted on DASNY's website.